

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 22-CB-250768	Date Filed OCT 28, 2019

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name Local 750, United Workers of America	b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 367 Long Beach Road #147 NY Island Park 11558-____	d. Tel. No. (888) 666-1974	e. Cell No.
	f. Fax No.	g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Name of Employer Action Carting	4a. Tel. No. (866) 270-9900	b. Cell No.
	c. Fax No.	d. e-Mail ronb@actioncarting.com
5. Location of plant involved (street, city, state and ZIP code) 375 U.S. Rt. 1 & 9 South Truck Rt. NJ Jersey City 07304-____	6. Employer representative to contact Ron Bergamini Title: CEO	
7. Type of establishment (factory, mine, wholesaler, etc.) Waste Management Services	8. Identify principal product or service Waste Removal	9. Number of workers employed 140
10. Full name of party filing charge Richard Bialczak Local 813, IBT	11a. Tel. No. (202) 236-7259	b. Cell No.
	c. Fax No.	d. e-Mail rickbial@gmail.com
11. Address of party filing charge (street, city, state and ZIP code.) 48-18 Van Dam Street, 2nd Floor NY Long Island City 11101-____		

12. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By Richard Bialczak Richard Bialczak
(signature of representative or person making charge) (Print/type name and title or office, if any)
Title: Counsel

48-18 Van Dam Street
Address Long Island City NY 11101-____

(date) 10/28/2019 20:18:01

Tel. No. (202) 236-7259
Cell No.
Fax No.
e-Mail rickbial@gmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they did not join or support the union.

Name of the Union Agent/Representative who made the threat	Date the threats were made
(b) (6), (b) (7)(C)	October 2019



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 22
20 WASHINGTON PL
FL 5
NEWARK, NJ 07102-3127

Agency Website: www.nlr.gov
Telephone: (973)645-2100
Fax: (973)645-3852



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October 29, 2019

(b) (6), (b) (7)(C)

Local 750, United Workers of America
367 Long Beach Road #147
Island Park, NY 11558-_____

Re: Local 750, United Workers of America
Case 22-CB-250768

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Labor Management Relations Assistant ANETT RODRIGUES whose telephone number is (862)229-7039. If this Board agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

October 29, 2019

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is written in a cursive style with a large, sweeping initial "D".

DAVID E. LEACH III
Regional Director

Enclosure: Copy of Charge



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October 29, 2019

Richard Bialczak, Counsel
Local 813, IBT
48-18 Van Dam Street, 2nd Floor
Long Island City, NY 11101-____

Re: Local 750, United Workers of America
Case 22-CB-250768

Dear Bialczak:

The charge that you filed in this case on October 28, 2019 has been docketed as case number 22-CB-250768. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Labor Management Relations Assistant ANETT RODRIGUES whose telephone number is (862)229-7039. If this Board agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

October 29, 2019

Very truly yours,

A handwritten signature in black ink, reading "David E. Leach III". The signature is fluid and cursive, with the first name "David" being the most prominent.

DAVID E. LEACH III
Regional Director

cc: Richard Bialczak, Counsel
48-18 Van Dam Street
Long Island City, NY 11101-_____



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October 29, 2019

Ron Bergamini, CEO
Action Carting
375 U.S. Rt. 1 & 9 South Truck Rt.
Jersey City, NJ 07304-_____

Re: Local 750, United Workers of America
Case 22-CB-250768

Dear Bergamini:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Labor Management Relations Assistant ANETT RODRIGUES whose telephone number is (862)229-7039. If this Board agent is not available, you may contact Supervisory Field Examiner FRANK W. FLORES whose telephone number is (862)229-7051.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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October 29, 2019

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "David E. Leach III". The signature is fluid and cursive, with a large initial "D" and "L".

DAVID E. LEACH III
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



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REGION 22
20 WASHINGTON PL
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Fax: (973)645-3852

December 23, 2019

SHERI DOROTHY PREECE, ESQ.
MCCARTHY AND ASSOCIATES, P.C.
1454 ROUTE 22 STE B101
BREWSTER, NY 10509-4359

Re: Local 750, United Workers of America
(Action Carting)
Case 22-CB-250768

Dear Ms. Preece:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Richard Fox
Acting Regional Director

cc: (b) (6), (b) (7)(C)
LOCAL 750, UNITED WORKERS OF
AMERICA
367 LONG BEACH ROAD #147
ISLAND PARK, NY 11558

RICHARD BIALCZAK, COUNSEL
LOCAL 813, IBT
48-18 VAN DAM STREET, 2ND FL
LONG ISLAND CITY, NY 11101

RON BERGAMINI, CEO
ACTION CARTING
375 U.S. RT. 1 & 9 SOUTH TRUCK RT.
JERSEY CITY, NJ 07304

KARL A. FRITTON, ESQ.
LITTLER MENDELSON, P.C.
THREE PARKWAY
1601 CHERRY STREET, SUITE 1400
PHILADELPHIA, PA 19102